



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fletcher et al.  
Serial No. : 09/518,627  
Filed : March 3, 2000  
Title : ADAPTABLE COIN MECHANISM

Art Unit : 2167  
Examiner : F. Bartuska

**BOX AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
JUL 15 2003  
**GROUP 3600**

STATEMENT UNDER 37 C.F.R. 1.609(b)

This Statement accompanies a Request for Interference, filed concurrently herewith, between the application identified above ("the Fletcher et al. application") and U.S. Patent No. 5,733,186 ("the '186 patent"). This Statement explains how the applicants are *prima facie* entitled to judgment relative to the patentee of the '186 patent based on priority of invention.

The following evidence, previously submitted in connection with the pending application in April 2000, is relied upon in support of this Statement:

- \* Declaration of Paul R. Fletcher,
- \* Declaration of Craig A. Lewis,
- \* Declaration of Maureen M. Fendrick,
- \* Declaration of David P. McLaughlin, and
- \* Declaration of John Dettinger.

During the relevant time period, the individuals identified above were employed by Mars Electronics International (MEI), a subsidiary of the Mars, Incorporated, which is the assignee of the Fletcher et al. application. (Fletcher Decl. ¶2; Lewis Decl. ¶2; Fendrick Decl. ¶1; McLaughlin Decl. ¶1; Dettinger Decl. ¶1)

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 7, 2003

Date of Deposit

Signature

*Paula T. Romeo*

Paula T. Romeo

Typed or Printed Name of Person Signing Certificate

The filing date of the '186 patent, as listed on the front page of that patent, is April 17, 1996.

Prior to the filing date of the '186 patent, during the period of April 11-13, 1996, MEI employees Paul R. Fletcher, Craig A. Lewis, Maureen M. Fendrick and David P. McLaughlin, attended the 35<sup>th</sup> NAMA Western Convention Trade Show held in Anaheim, California ("the NAMA show"), as representatives of MEI. (Fletcher Decl. ¶3; Lewis Decl. ¶3; Fendrick Decl. ¶¶2, 4; McLaughlin Decl. ¶2) At that show, MEI's VN 4000 and VN 4010 coin changers were publicly displayed and operated. (Fletcher Decl. ¶7; Lewis Decl. ¶7; Fendrick Decl. ¶8; McLaughlin Decl. ¶6) In connection with MEI's display at the NAMA show, VN 4000 and VN 4010 coin changers were installed and operated in vending machines. (Fletcher Decl. ¶15; Lewis Decl. ¶15; Fendrick Decl. ¶¶11-12; McLaughlin Decl. ¶15)

As set forth below, the subject matter defined by the proposed Count was met by one or more of the VN 4000 or VN 4010 coin changers at the NAMA show. The language of the proposed Count is reproduced below in bold print. A discussion of the corresponding activity at the NAMA show follows the recitation of each limitation in the Count.

**A coin payout mechanism installable in a vending machine which includes a controller operable to determine an amount of change due during a vend operation, N coin tube interface lines connected to the controller, the controller operable to produce signals on the N coin tube interface lines, the coin payout mechanism comprising:**

The VN 4000 and VN 4010 coin changers at the NAMA show were coin mechanisms for installation in a vending machine. (Fletcher Decl. ¶8; Lewis Decl. ¶8; McLaughlin Decl. ¶8) The VN 4000 and VN 4010 coin changers were capable of connection to a vending machine controller that determines an amount of money to be dispensed and that has three (N=3) coin tube interface lines (dispense lines) corresponding, respectively, to nickels, dimes and quarters. (Fletcher Decl. ¶13; Lewis Decl. ¶13; McLaughlin Decl. ¶13; Fendrick Decl. ¶12; Dettinger Decl. ¶¶ 4-7) Vending machine controllers to which the VN 4000 and VN 4010 coin changers could be connected were operable to produce signals on the three coin tube interface lines

(dispense lines). (Dettinger Decl. ¶¶ 4-7; see Fletcher Decl. ¶14; Lewis Decl. ¶14; McLaughlin Decl. ¶14; Fendrick Decl. ¶12)

**M coin tubes, each coin tube storing one coin type therein, where  $M > N$  and where  $M - N = 1$ ,**

The VN 4000 and VN 4010 coin changers at the NAMA show included four ( $M=4$ ) coin tubes each of which was arranged to store a vertical stack of coins of a respective denomination. (Fletcher Decl. ¶9; Lewis Decl. ¶9; Fendrick Decl. ¶10; McLaughlin Decl. ¶9)

**coin payout means associated with each coin tube, and**

The VN 4000 and VN 4010 coin changers at the NAMA show included a coin dispenser operable to pay out coins from the coin tubes. (Fletcher Decl. ¶11; Lewis Decl. ¶11; McLaughlin Decl. ¶11)

**processing means operably connected to each of the coin payout means, the processing means configured for connection to each of the N coin tube interface lines so as to receive signals therefrom, the processing means operable to accumulate a change payout amount in response to signals received from the N coin tube interface lines, and the processing means operable in combination with the coin payout means of each coin tube to effect payout of coins therefrom.**

The processor in each of the VN 4000 and VN 4010 coin changers at the NAMA show was coupled to a coin dispenser. (Fletcher Decl. ¶13; Lewis Decl. ¶13; McLaughlin Decl. ¶13) Each processor was operable to receive signals from the coin tube interface lines when connected to the vending machine controller and to recognize signals received from the vending machine controller coin tube interface lines as corresponding to a predetermined value. The processor was configured to accumulate a value corresponding to the received signals and was operable to cause the pay out of at least one coin from the coin tubes based on the accumulated value. (Fletcher Decl. ¶14 ; Lewis Decl. ¶14; McLaughlin Decl. ¶14)

Applicant : Fletcher et al.  
Serial No. : 09/518,627  
Filed : March 3, 2000  
Page : 4 of 4

Attorney's Docket No.: 07703-245004 / MES0083

CONCLUSION

This Statement and the previously submitted evidence establish a *prima facie* case that the applicant is entitled to judgment relative to the patentee with respect to priority of invention of the subject matter defined by the proposed Count.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: July 7, 2003

Samuel Borodach  
Samuel Borodach  
Reg. No. 38,388

Of Counsel: John B. Pegram  
Frederick H. Rabin

Fish & Richardson P.C.  
45 Rockefeller Plaza, Suite 2800  
New York, New York 10111  
Telephone: (212) 765-5070  
Facsimile: (212) 258-2291